HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SHRI JUSTICE G. BHAVANI PRASAD

WRIT PETITION NO. 22590 OF 2005

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Between:

N. Malathi

……Petitioner

And

The Government of Andhra Pradesh,

Rep by Principal Secretary, Home Department,

Secretariat, Hyderabad and three others

……Respondents

:: ORDER ::

Counsel for the Petitioner : Shri M.V. Rajaram

Counsel for Respondent Nos.1 to 3 : Government Pleader for

Home

Counsel for Respondent No.4 : Government Pleader for

Revenue

Dated: 16-03-2006

Per G.S. SINGHVI, CJ

Kum. N. Malathi, a practising advocate and social worker has successfully used the jurisdiction of this Court under Article 226 of the Constitution of India for achieving something which majority of the adult population of the State may not have even dreamed. Through this petition, she highlighted the abject failure of the State Government to curb begging prevalent in different parts of the State despite the enactment of the Andhra Pradesh Prevention of Begging Act, 1977 (for short 'the Act').

The notice issued by the Court made the concerned authorities to wake up from slumber. They discovered that the Act which was enacted more than twenty-eight years ago has not been enforced. It is a matter of satisfaction that at least now the State machinery has done the needful by enforcing the Act with effect from 1-1-2006 and draft rules have also been published.

We are happy to note that the present bureaucratic setup of the State felt concern with the serious lapse on the part of their predecessors who omitted to take steps to notify the enforcement of the Act. The affidavit dated 14-12-2005 filed by Sri T.K. Dewan, Chief Secretary, Government of Andhra Pradesh highlights the various steps taken by the Government to prevent begging in various parts of the State. He

has detailed the measures taken by the State Government for preventing begging and rehabilitation of the beggars by establishing Beggars Home in various districts of the State.

We are sure that with the implementation of the Act and framing of the rules by the State Government, the concerned authorities will be able to take comprehensive measures albeit with the help of non-governmental organisations and other citizens to curb the practice of begging. If the Government, non-governmental organisations and well intentioned citizens are able to bring an end to the practice of begging, they would achieve one of the goals set out in the Constitution namely, respect for the dignity of individual. It hardly needs emphasis that no one indulges in begging voluntarily. The failure of society to respond to the need of the poor is one of the major causes, which compels children and adults to resort to begging, perhaps under a mistaken impression that that is the only way of earning livelihood.

We hope and trust that the State Government will take necessary measures at the earliest keeping in view the observations made in this order.

The writ petition is disposed of in the manner indicated above with liberty to the petitioner to seek its revival or file miscellaneous petition for issuance of further orders, if any such contingency arises.

G.S. SINGHVI, CJ

G. BHAVANI PRASAD, J

16-03-2006

ks/ARS